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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,877	10/03/2003	Richard W. Hoff	EH-10673(02-354)	1293

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EXAMINER

CASAREGOLA, LOUIS J

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/678,877

Applicant(s)

HOFF ET AL

Examiner

Louis J. Casaregola

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/2/05.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) 8-11 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-2,4-5,7 is/are rejected.
7) ☒ Claim(s) 3,6 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

Election

Applicants' election of the invention of Group I, claims 1-7, is acknowledged. The election was made with traverse. Applicants' arguments have been considered but are not however effective in demonstrating that the restriction requirement is improper.

Applicants argue that the subject matter of elected claims 1 and 2 is identical to that of non-elected claim 8, and that searching the subject matter of the elected Group I claims would also require searching the subject matter of the non-elected Group II claims. The subject matter in claims 1 and 2, however, is not in fact identical to that in claim 8. There is, for example, nothing in claims 1 and 2 that actually requires the presence of a gas turbine engine as specified in claim 8. Furthermore and contrary to what applicants suggest, the examination burden is not limited exclusively to a prior art search but also includes the effort required to apply the art by making and discussing all appropriate grounds of rejection. Multiple inventions, such as those in the present application, normally require additional reference material and further discussion for each additional invention examined. Concurrent examination of multiple inventions would thus typically involve a significant burden even if all searches were coextensive.

Applicants additionally challenge the restriction requirement's position that the Group I air supply system is not limited to gas turbines. This argument is based on the fact that claim 7 describes the recited fluid source as receiving bleed air from a high pressure compressor. It is emphasized however that there is nothing in claim 7 that

actually requires a gas turbine. Claim 7 does not recite a gas turbine, and the compressor involved is not limited to gas turbine compressors but could be any compressor.

For the reasons discussed above, the restriction is considered proper and is consequently made final. An action on the merits of elected claims 1-7 is set forth below, and non-elected claims 8-11 are withdrawn from further consideration.

Claim Rejections - 35 USC 112

Claim 5 is rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 5 recites "a blade outer air seal". This reference to a "blade" is vague and ambiguous. None of the structural elements recited in claim 5 (including parent claim 1) constitutes a bladed device, and it is consequently unclear exactly what the recited blade is intended to be.

Claim Rejections - 35 USC 102

Claims 1, 2, 4 and 7 are rejected under 35 USC 102(b) as being anticipated by Exley et al.

The broadly claimed air supply system reads on prior art air supply systems with conventional ejector apparatus of the type disclosed by Exley. Attention is called to Exley's Figure 1; note that the claimed high pressure source corresponds to the chamber (unnumbered) receiving air through duct 9, and the claimed means for supplying fluid to a point of use (including the means for reducing leakage) corresponds to the remaining ejector system components. These components include nozzle 11 and the ejector tube (unnumbered) defined by the flared duct extending downstream from the nozzle. With regard to claim 4, attention is called to Exley's low pressure cavity (unnumbered) surrounding the nozzle exit and ejector inlet, and with respect to claim 7, attention is additionally called to the fact that the air supplied by duct 9 is bleed air from Exley's compressor 2.

Allowable Subject Matter

Claims 3 and 6 contain allowable subject matter but are objected to as

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depending from rejected parent claims. If rewritten in independent form, these claims will be allowed.

Additional References

Davis et al and Mortzheim et al are cited as disclosing further examples of air supply systems comprising ejector units.

L. J. Casaregola
571-272-4826 (M-F; 7:30-4:00)
571-273-8300 FAX
August 29, 2005


LOUIS J. CASAREGOLA
PRIMARY EXAMINER

If repeated attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor, Timothy Thorpe, can be reached at 571-272-4444.

Information regarding the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, and status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).